

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:24-cv-21263-MD

TESLA, INC.,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

**DECLARATION OF RICHARD GUERRA IN SUPPORT OF PLAINTIFF’S
MOTION FOR ENTRY OF FINAL DEFAULT JUDGMENT**

I, Richard Guerra, declare and state as follows:

1. I am an attorney duly authorized and licensed to practice law before all courts in the State of Florida and the Southern District of Florida. I am counsel of record for Plaintiff, Tesla, Inc. (“Plaintiff”). I have personal knowledge of the facts set forth herein and make this declaration in support of Plaintiff’s Motion for Entry of Final Default Judgment against Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on Schedule “A” to Plaintiff’s Motion for Entry of Final Default Judgment (collectively “Defendants”). If called upon to do so, I could and would competently testify to the following facts set forth below.

2. On April 12, 2024, Plaintiff filed its *Ex Parte* Application for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets (the “Application for Temporary Restraining Order”) [ECF No. 7]. I hereby incorporate by reference all factual allegations contained in the Declaration of Richard Guerra in support of Plaintiff’s Motion for Temporary Restraining Order [ECF No. 7 - 3 .

3. On May 1, 2024, the Court entered a Sealed Order Granting Plaintiff's *Ex Parte* Motion for Entry of Temporary Restraining Order [ECF No. 12], and subsequently converted the temporary restraining order into a preliminary injunction on June 11, 2024 [ECF No. 27]. The preliminary injunction required, inter alia, any third party financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms who is providing services for any of the Defendants, including but not limited to, AliExpress, Alipay, Dhgate, Dhpay, Joom, Wish, Wishpay, Amazon, Amazon Pay, eBay, Etsy, and/or Taobao, and their related companies and affiliates (collectively, the "Third Party Providers"), to

restrain the transfer of all funds, including funds relating to ongoing account activity, held or received for the Defendants' benefit or to be transferred into the Defendants' respective financial accounts, and restrain any other financial accounts tied thereto. Such restraining of the funds and the disclosure of the related financial institution account information (as provided below) shall be made without notice to the account owners or the financial institutions until after those accounts are restrained. No funds restrained by this Order shall be transferred or surrendered by any Third-Party Provider for any purpose (other than pursuant to a chargeback made pursuant to their security interest in the funds) without the express authorization of this Court.

Order Granting Preliminary Injunction at pp. 6-7. Accordingly, pursuant to the preliminary injunction Plaintiff requested that the Third Party Providers restrain all funds in Defendants' accounts. Subsequently, my firm received notice from the applicable financial institutions that they complied with the requirements of the Court's Orders.

4. On May 1, 2024, the Court entered an Order Granting Motion for Alternative Service, [ECF No. 11], granting Plaintiff's *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3). Pursuant to the Court's Order authorizing alternative service, on May 28, 2024, Plaintiff served each Defendant with their respective Summons and a copy of the Complaint via electronic mail ("e-mail") and website posting. (*See* [ECF No. 20], Proof of Service on file with the Court.)

5. The time allowed for Defendants to respond to the Complaint has expired.

6. To date, Defendants have not filed any responsive pleadings to the Complaint, have not requested an enlargement of time to respond to the Complaint, nor have Defendants entered a formal appearance *pro se* or by counsel on their behalf.

7. I am informed and believe none of the Defendants are infants or incompetent persons, and, upon information and belief, the Servicemembers Civil Relief Act does not apply.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed the 19th day of August, 2024, at Miami, Florida.

/Richard Guerra/

Richard Guerra